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09/330,519	06/11/1999	MICHAEL D. ELLIS	UV-52	9514

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ROPES & GRAY LLP  
PATENT DOCKETING 39/361  
1211 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-8704

EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/330,519

Applicant(s)

ELLIS ET AL.

Examiner

Farzana E. Hossain

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 51-56, 58, 60-81, 83 and 85-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-56, 58, 60-81, 83 and 85-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/26/2007.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to communications filed 11/26/2007. Claims 1-50, 57, 59, 82, 84 and 101-125 are cancelled. Claims 51 and 76 are amended. Claims 58, 68, 83 and 93 have been previously presented. Claims 52-56, 60-67, 69-75, 77-81, 85-92 and 94-100 are original.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 51, 52, 54-56, 58, 60, 61, 68, 69, 71, 76, 77, 79-81, 83, 85, 86, 93, 94 and 96 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawler et al (US 5,805,763 and hereafter referred to as "Lawler").

Regarding Claims 51 and 76, Lawler discloses an interactive television program guide system in which an interactive program guide is implemented on a user TV equipment of a plurality of users (Figure 6) is implemented on user television equipment of a plurality of users (Figure 1, Figure 2), the user television equipment containing local memory configured to store program guide data for use by the interactive television program guide (Figure 2, 60, Column 9, lines 63-65) and the system having remote memory at a location remote from the local memory (Figure 1, 34, Column 4, lines 36-40), the remote memory being configured to store supplemental data for access by the interactive television program guide (Column 14, lines 16-29), comprising: local memory that is configured to store program guide data for use by the interactive TV program guide (Figure 2, 60, Column 9, lines 63-65, Figure 6); accessing the program guide data stored in the local memory with the interactive television program guide (EPG) (Figure 6, Column 9, lines 45-50); remote memory at the remote location that is configured to store supplemental data for access by the interactive TV program guide (Figure 1, 34, Column 4, lines 36-40), wherein the EPG monitors program listings displayed in the EPG, as the user browses through the EPG, to determine a potential upcoming need for a given portion of the supplemental data, wherein, responsive to determining the potential upcoming need based on the program listings displayed in the EPG (Column 9, lines 54-60| Column 14, lines 16-29); the system automatically supplies the given

portion of the supplemental data from the remote memory to the interactive TV program guide in advance of the upcoming need or the system must retrieve the updated additional information from the EPG prior to displaying it as the user is navigating the EPG (Column 9, lines 9-34, 45-67, Column 14, lines 27-29).

Regarding Claims 52 and 77, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler discloses a television (TV) distribution facility configured to distribute TV programming to the users' equipment (Figure 1, 12, 34, 10, Column 3, lines 45-67).

Regarding Claims 54 and 79, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler discloses that the program guide data includes TV program listings (Figure 3, Figure 6) and the supplemental data includes detailed program descriptions for at least some of the TV program listings (Figure 3, 108m Column 14, lines 16-29), the system further comprising a TV distribution facility in which the remote memory is located (Figure 1, 34).

Regarding Claims 55 and 80, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler discloses the program guide data stored in the local memory can be accessed more rapidly with IPG than the supplemental data stored in the remote memory as accessing supplemental data stored at the headend requires a request from the user or prediction of user's upcoming need (Column 9, lines 63-65, Column 10, lines 1-3);

Regarding Claims 56 and 81, Lawler discloses all the limitations of Claims 51 and 76 respectively. See rejections of Claims 54, 55, 79 and 80.

Regarding Claims 58 and 83, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler further discloses the current user's actions involve viewing certain program listings (Column 14, lines 16-29).

Regarding Claims 60 and 85, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler discloses wherein the supplemental data includes an application or application extension (Column 4, lines 41-45).

Regarding Claims 61 and 86, Lawler discloses all the limitations of Claims 60 and 85 respectively. Lawler discloses the application or application extension is a user selectable option or a link to a video preview (Column 4, lines 41-45).

Regarding Claims 68 and 93, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler further discloses wherein the supplemental data is requested on-demand by the user's current actions (Column 4, lines 40-44).

Regarding Claims 69 and 94, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler discloses that the supplemental data is displayed automatically by the program guide as the program guide displays additional information as it retrieves the information (Column 14, lines 16-29).

Regarding Claims 71 and 96, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler discloses that the supplemental data includes video clips (Column 4, lines 40-44).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 53 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable Lawler in view of Hendricks et al (US 5,600,364 and hereafter referred to as "Hendricks").

Regarding Claims 53 and 78, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler discloses wherein the headend is configured to distribute TV programming to plurality of users (Figure 1, 12, 34, 10, Column 3, lines 45-67) and remote memory is located at the headend (Figure 1, 34). Lawler discloses supplemental data is delivered to the headend and stored at the remote memory (Column 4, lines 36-51) and program guide data redistributed by the TV distribution facility to the local memory (Column 9, lines 63-65). However, Lawler does not explicitly disclose the main facility sending data to the TV distribution facility. Hendricks discloses a main facility or network operations center sending supplemental data and program guide data to the TV distribution facility or headend (Column 8, lines 3-10, 44-67, Column 9, lines 1-9, 30-32, Column 30, lines 60-67, Column 31, lines 1-21). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include the main facility sending data to the TV distribution facility (Column 8, lines 3-10, 44-67, Column 9, lines 1-9, 30-32) as taught by Hendricks in order for a networks controller to

be versatile for satisfying carrying consumer and viewer needs (Column 21, lines 53-67, Column 3, lines 1-9) as disclosed by Hendricks.

7. Claims 62, 65, 66, 72, 74, 75, 87, 90, 91, 97, 99, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable Lawler in view of Matthews, III et al. (US 6,025,837 and hereafter referred to as "Matthews").

Regarding Claims 62 and 87, Lawler discloses all the limitations of Claims 60 and 85 respectively. Lawler is silent on the application is launched automatically from the EPG. Matthews discloses wherein the application is launched automatically by the program guide as the application extension is launched from the EPG (Column 9, lines 43-45, Column 10, lines 5-65, Figure 4). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include the application is launched automatically by the program guide as the application extension is launched from the EPG (Column 9, lines 43-45, Column 10, lines 5-65, Figure 4) as taught by Matthews in order to enable further viewer interactivity for hyperlink information (Column 2, lines 32-42) as disclosed by Matthews.

Regarding Claims 65 and 90, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler is silent on wherein the supplemental data includes an Internet address. Matthews further discloses wherein the supplemental data includes an Internet address (Column 10, lines 14-20, Figure 2, 58). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include the supplemental data includes an Internet address (Column 10, lines 14-20, Figure 2, 58)



as taught by Matthews in order to enable further viewer interactivity for hyperlink information (Column 2, lines 32-42) as disclosed by Matthews.

Regarding Claims 66 and 91, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler is silent on wherein the supplemental data includes an Internet address. Matthews further discloses wherein the supplemental data includes an Internet address and the EPG displays the Internet address as a link (Column 10, lines 14-20, Figure 2, 58). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include the supplemental data includes an Internet address and the EPG displays the Internet address as a link (Column 10, lines 14-20, Figure 2, 58) as taught by Matthews in order to enable further viewer interactivity for hyperlink information (Column 2, lines 32-42) as disclosed by Matthews.

Regarding Claims 72 and 97, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler is silent on wherein the supplemental data includes audio clips. Matthews discloses that the supplemental data includes audio clips (Column 3, lines 55-57, Column 7, lines 13-20). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include the supplemental data includes audio clips (Column 3, lines 55-57, Column 7, lines 13-20) as taught by Matthews in order to enable further viewer interactivity for hyperlink information (Column 2, lines 32-42) as disclosed by Matthews.

Regarding Claims 74 and 99, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler is silent on wherein the supplemental data includes trivia information. Matthews discloses that the supplemental data includes trivia (Column 7,

lines 13-20). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include the supplemental data includes trivia (Column 7, lines 13-20) as taught by Matthews in order to enable further viewer interactivity for hyperlink information (Column 2, lines 32-42) as disclosed by Matthews.

Regarding Claims 75 and 100, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler is silent on the supplemental data includes advertisements. Matthews discloses that the supplemental data includes advertisements (Column 7, lines 13-20). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lawler to include the supplemental data includes advertisements (Column 7, lines 13-20) as taught by Matthews in order to enable further viewer interactivity for hyperlink information (Column 2, lines 32-42) as disclosed by Matthews.

8. Claims 63, 64, 67, 69, 70, 88, 89, 92, 94 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Shoff et al. (US 6,240,555 and hereafter referred to as "Shoff").

Regarding Claims 63 and 88, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler is silent on supplemental data includes real-time information. Shoff further discloses the supplemental data includes real-time information (Column 10, lines 53-58, Column 11, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to include the supplemental data includes real-time information (Column 10, lines 53-58, Column 11, lines 59-65) as taught by Shoff in order to provide users

with surprising trivia game which quizzes the users as to possible outcomes of various scenes, and specifically, to entice users to participate along with the current program viewing (Column 10, lines 53-55) in which users will experience an enjoyable way to view a TV program (Column 1, lines 26-33) as disclosed by Shoff.

Regarding Claims 64 and 89, Lawler and Shoff disclose all the limitations of Claims 63 and 88 respectively. Shoff discloses the real-time information is overlaid on the TV program by the program guide on an on-going basis (Column 10, lines 44-59, Column 11, lines 59-65).

Regarding Claims 67 and 92, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler is silent on the supplemental data includes real-time information and the EPG displays an information screen in which the real time data is displayed. Shoff further discloses the supplemental data includes real-time information and the EPG displays an information screen in which the real time data is displayed (Column 10, lines 53-58, Column 11, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to include the supplemental data includes real-time information and the EPG displays an information screen in which the real time data is displayed (Column 10, lines 53-58, Column 11, lines 59-65) as taught by Shoff in order to provide users with surprising trivia game which quizzes the users as to possible outcomes of various scenes, and specifically, to entice users to participate along with the current program viewing (Column 10, lines 53-55) in which users will experience an enjoyable way to view a TV program (Column 1, lines 26-33) as disclosed by Shoff.

Regarding Claims 70 and 95, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler is silent on supplemental content including biographies. Shoff further discloses wherein the supplemental data includes biographies (Column 11, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to include the supplemental data includes biographies (Column 11, line 30) as taught by Shoff in order to provide an enjoyable way for users to experience a TV program (Column 1, lines 26-33) as disclosed by Shoff.

9. Claims 73 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Lawler et al (US 2005/0160452 and hereafter referred to as "Lawler2").

Regarding Claims 73 and 98, Lawler discloses all the limitations of Claims 51 and 76 respectively. Lawler discloses that the supplemental data includes program summary panel graphics (Column 8, lines 34-50). Lawler2 discloses supplemental data includes bitmap graphics (Page 6, paragraph 0076). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to include the supplemental data includes bitmap graphics (Page 6, paragraph 0076) as taught by Lawler2 in order to provide images when the viewer requests supplemental information (Pages 1-2, paragraph 0013-0014) as disclosed by Lawler in a standard graphics file format and to not store information in the user set top box unless needed.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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FEH  
February 11, 2008

  
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